

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Bo Johan Niklas NIKLASSON Group: 3736
Appl. No.: 10/501,555 Examiner: EISEMAN, Adam Jared
Conf. No.: 5132
Filing Date: July 16, 2004
Title: EPICUTANEOUS TEST PLASTER
Atty Docket: 10400-000111/US

August 17, 2010

**COMMENTS ON STATEMENT OF
REASONS FOR ALLOWANCE**

Sir:

Applicant submits the following comments in response to the Statement of Reasons for Allowance set forth paragraph 2 of the Notice of Allowability (dated July 21, 2010).

The application includes three independent formulations of the invention, inclusive of independent claims 1, 18 and 20. The Statement, however, appears to only loosely paraphrase the claim recitations. For example, claims 1, 18 and 20 do not recite the following terms:

- (1) a flexible carrier “*having an adhesion layer for the test chambers*”;
- (2) a plurality of test chambers “*distributed on the carrier*”;
- (3) a removable cover layer “*covering the test chambers over the entire carrier*”;
- (4) wherein each test chamber “*consists of a support element (which holds a drug for application to the skin) comprising of a support layer and a moisture barrier layer which is secured to the carrier*”;
- (5) “*a frame shaped foam layer*” secured on top of and embracing the support element, “*wherein the frame defines the sidewalls of the test chamber*”; or
- (6) “*the foam frame has first and second adhesive layers on the top side and bottom side*”.

In this regard, the Statement does not accurately restate the claimed invention. Independent claims 1, 18 and 20 should be interpreted based on the language recited therein, and not by the Examiner’s paraphrasing.

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The Statement characterizes the “*prior art*” as allegedly teaching various features of the claimed invention. Applicant does not acquiesce to the characterization of the prior art. In this regard, the Statement does not, in any way, limit any of independent claims 1, 18 and 20.

Applicant agrees that each of independent claims 1, 18 and 20 is patentable over the prior art. However, as each claim should be interpreted only based upon terms used therein, Applicant submits these comments to ensure that the claims are not unduly limited, in any way, by the Examiner’s Statement.

The Commissioner is authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 05-4446 for any additional fees required under 37 CFR § 1.16 or under 37 CFR § 1.17; particularly, extension of time fees.

Respectfully submitted,

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